

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES E. SMITH, No. C 08-1157 SI (pr)

**Petitioner,** **ORDER**

V.

## HEDGPETH, warden,

## Respondent.

The court dismissed this action and entered judgment on July 18, 2008. Petitioner then filed a notice of appeal. The court denied his request for a certificate of appealability. More than two months later, petitioner filed a "motion authorizing the district court to withdraw the \$455.00 out of my trust account." The motion is DENIED. (Docket # 12.) If petitioner has the funds in his trust account to pay the filing fee for an appeal, he should contact his prison trust account office directly to have the check paid to the court of appeals. If he does not have the funds, he should file in the court of appeals an application to proceed in forma pauperis.

## IT IS SO ORDERED.

DATED: June 15, 2009

Susan Illston  
SUSAN ILLSTON  
United States District Judge